IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

Bail Appl..No. 3236 of 2007()

CP.148/2006 of J.M.F.C.-II,NEYYATTINKARA

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: PETITIONER/2ND ACCUSED

AJIKUMAR, S/O.LATE GOPALA PILLAI,
KURAKUDI VILAKOM HOUSE, POOVAR P.O.,
THIRUVANANTHAPURAM.
SHOWN AS IN CASE RECORD AS:- HARI @ KOCHU HARI,
S/O.GOPALAN, KURAKUDI VILAKOM, SAKALAMKUDI,
POOVAR, THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 3236 OF 2007

Dated this the 7th day of June, 2007

O R D E R

Petitioner seeks anticipatory bail on the allegation that a non-bailable warrant is pending against him in C.P.No.148/2006 on the file of JFCM-II, Neyyattinkara for an offence punishable under Sec.8(2) of the Abkari Act for allegedly having been found in possession of 924 litres of spirit.

2. Learned counsel for the petitioner submits that the 2nd accused in the case is one Hari alias Kochu Hari, S/o.Gopalan whereas it is the petitioner who is sought to be arrested as the 2nd accused.

3. Learned Public Prosecutor, on instructions, submits that the petitioner has got an alias name of Hari alias Kochu Hari and that the petitioner is none other than the accused in the case.

4. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for

regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, after considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation this application is disposed of .

(V. RAMKUMAR, JUDGE)

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